

AMENDED IN SENATE JULY 6, 2011

AMENDED IN ASSEMBLY APRIL 28, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1077

Introduced by Assembly Member Carter
(Principal coauthor: Assembly Member John A. Pérez)
(Coauthor: Assembly Member Alejo)
(Coauthors: Assembly Members Alejo, Bradford, Davis, Hall, Mitchell,
and Swanson)
(Coauthors: Senators Price and Wright)

February 18, 2011

An act to add Section 5006.10 to the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 1077, as amended, Carter. State parks: Colonel Allensworth State Historic Park.

Existing law provides for a state park system of which the Colonel Allensworth State Historic Park in Tulare County is a unit.

This bill would ~~prohibit a person from developing any of the area within 2 ½ miles of the boundary of Colonel Allensworth State Historic Park in Tulare County in a manner that would be incompatible with the historical, cultural, or recreational significance of the park, as provided. This prohibition would not apply to a development in Tulare County that was approved by the county on or before March 1, 2011~~ *require the Department of Parks and Recreation to notify the State Park and Recreation Commission of any proposed development that may substantially impact the historical, cultural, or recreational significance*

of the Colonel Allensworth State Historic Park, and would require the commission, upon receipt of that notification to hold a duly noticed public hearing to receive public input regarding the potential impacts of the proposed development on the park. The bill would require the commission, following the public hearing, to submit, in writing, to the department a summary of its conclusions on the potential park impacts that may be caused by the proposed development for transmission by the department to the appropriate local government entities. The bill would also require the department, in consultation with the State Office of Historic Preservation, to study the feasibility of recommending that the park be considered for designation as a National Historic Landmark.

The bill would make legislative findings as to the necessity of a special statute.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
 2 following:

3 (a) The state park system was created for the purposes of
 4 preserving outstanding natural, scenic, and cultural values,
 5 including areas of historical significance.

6 (b) The recent centennial of Colonel Allensworth State Historic
 7 Park in Tulare County has brought its state and national
 8 significance to the forefront.

9 (c) Given the unique historical and cultural resources present
 10 at and around Colonel Allensworth State Historic Park and the
 11 unique environmental and geological conditions of the area, a
 12 two-and-one-half mile wide buffer from an incompatible use is
 13 appropriate.

14 SEC. 2. Section 5006.10 is added to the Public Resources Code,
 15 to read:

16 ~~5006.10. (a) A person shall not develop any of the area within~~
 17 ~~two-and-one-half miles of the boundary of Colonel Allensworth~~
 18 ~~State Historic Park in Tulare County, in a manner that the State~~
 19 ~~Parks and Recreation Commission determines, after a duly noticed~~
 20 ~~public hearing, would be incompatible with the historical, cultural,~~
 21 ~~or recreational significance of the park. A proposed development~~
 22 ~~or use of the park shall be considered to be incompatible if it would~~

1 conflict with, or diminish, the existing use or enjoyment of the
 2 park. In evaluating whether a proposed development or use is
 3 compatible, the commission shall take into account the benefits to
 4 the park and surrounding community and any compatible economic
 5 benefit that could result from the proposed development or use. A
 6 determination by the commission regarding the incompatibility of
 7 any proposed development or use of the park may be appealed to
 8 the Secretary of the Natural Resources Agency.

9 5006.10. (a) *The department shall notify the State Parks and
 10 Recreation Commission of any proposed development that may
 11 substantially impact the historical, cultural, or recreational
 12 significance of the Colonel Allensworth State Historic Park. Upon
 13 receipt of this notification, the commission shall hold a duly noticed
 14 public hearing to receive public input regarding the potential
 15 impacts of the proposed development of the park. Following the
 16 public hearing, the commission shall submit, in writing, to the
 17 department a summary of its conclusions on potential park impacts
 18 that may be caused by the proposed development for transmission
 19 by the department to the appropriate local government entities.*

20 (b) The department, in consultation with the State Office of
 21 Historic Preservation, shall study the feasibility of recommending
 22 that Colonel Allensworth State Historic Park be considered for
 23 designation as a National Historic Landmark.

24 ~~(c) This section does not apply to a development in Tulare
 25 County that was approved by the county on or before March 11,
 26 2011.~~

27 SEC. 3. The Legislature finds and declares that a special law
 28 is necessary and that a general law cannot be made applicable
 29 within the meaning of Section 16 of Article IV of the California
 30 Constitution because of the necessity to ensure in perpetuity the
 31 unique historical, cultural, and recreational significance of Colonel
 32 Allensworth State Historic Park in Tulare County.